

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAULA NDUGGA	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-v.-	: 20 Civ. 7464 (GHW) (GWG)
	:
BLOOMBERG L.P.,	:
	:
Defendant.	:
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

With regard to the application made in Docket # 388, the filing of the new materials, while arguably not proper, should cause no prejudice to defendant as long as the defendant is permitted to address the new materials by means of a sur-reply. Accordingly, permission to file a sur-reply is granted. The sur-reply should address only matters newly raised in the reply papers. As the Court mentioned at the June 9, 2025, conference, the imminent departure of a law clerk who has been working on this case impels the Court to ask that defendant file the sur-reply as soon as possible — preferably by this Friday, July 18, 2025.

This ruling comes with a caveat: the Court assumes that Ms. Webber is not being proffered as an expert witness — it would be too late to do so anyway — but rather that her declaration is offered only to reflect that she performed mathematical calculations within the ken of a layman and that could have been contained in a memorandum of law. If defendant believes it can make the case that the declaration does not perform calculations of this kind, defendant has leave to include in its sur-reply an application to strike Ms. Webber's analysis because it in fact amounts to an expert opinion. In the event defendant makes this argument in support of an application to strike, plaintiff may respond to the application to strike by a letter filed within 3 days of the filing of the sur-reply.

Finally, assuming, as the Court does for the moment, that Ms. Webber's analysis does not amount to an expert opinion — or indeed anything other than the application of mathematical calculations to existing evidence — the Court sees no need for a deposition of Ms. Webber. But if defendant wishes to make inquiry of Ms. Webber as to those calculations, she should certainly be forthcoming in responding.

SO ORDERED.

Dated: July 15, 2025
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge